

## **CHAPTER 4-09.1**

### **INSPECTIONS AND GRADING OF AGRICULTURAL COMMODITIES**

**4-09.1-01. Definitions.** In this chapter, unless the context or subject matter otherwise requires:

1. "Commission" means the state seed commission.
2. "Commissioner" means the state seed commissioner.
3. "Commodities" means any agricultural product of the soil for which grades, standards, or inspection services, or all of them, have not been established by the United States department of agriculture pursuant to the United States Grain Standards, as amended August 15, 1968, [Pub. L. 90-487; 82 Stat. 761; 7 U.S.C. 71 et seq.].

**4-09.1-02. Commissioner - Duties.** The commissioner may establish commodity grades and inspection services for the purpose of making inspection and otherwise providing for the proper handling and marketing of commodities. The commissioner shall appoint a chief inspector and other employees as are necessary in carrying out this chapter. The commissioner shall fix the salaries of employees within the limits of legislative appropriations.

**4-09.1-03. Grade inspection - Fees and charges.** The commissioner, with the approval of the seed commission, shall establish and charge fees for making commodity grade inspections, and the fees must be uniform throughout the state for periods of time as must be specified. The fee for commodity grade inspection must, as nearly as possible, approximate the cost of the service.

**4-09.1-04. Cooperation with departments and bureaus.** The commissioner may cooperate with the United States department of agriculture or any bureau or division of the department, with a similar state inspection service, and with any person so that any or all of the grade certificates issued on the commodities in this state are officially recognized and accepted elsewhere in the United States to protect and promote the interests of each person having an interest in the commodities grown or handled in this state, and to provide for any necessary joint arrangements to further the purpose of this chapter.

**4-09.1-05. Seed commission may receive and expend funds.** All moneys arising from the collection of fees and other charges under the provisions of this chapter must be deposited by the commissioner with the state treasurer and credited to the seed department revolving fund. All proceeds deposited by the state treasurer in the revolving fund are subject to appropriation by the legislative assembly.

**4-09.1-06. Administrative procedure and judicial review.** Any proceeding under this chapter for issuing or modifying rules and determining compliance with rules of the commission or commissioner must be conducted in accordance with chapter 28-32 and appeals may be taken as provided in chapter 28-32.